UNITED STATES DISCTRICT COURT FOR THE DISTRICT OF COLUMBIA

Michel Ridgely, Plaintiff,)) Civil Action 5-10)33 (GK)
v.)	
Elaine Chao, Defendant	,))	

DECLARATION OF ANGELICA HACKNEY

- I, Angelica Hackney, do hereby declare and state under the penalty of perjury:
- 1. I am over eighteen years of age. I am the Human Resources Officer, Mine Safety and Health Administration, and I am the Official Records Custodian for the National Office Mine Safety and Health Administration, from which I have knowledge regarding the matters set forth herein.
- 2. Michel Ridgely has been employed with the Mine Safety and Health Administration, and its predecessor organization, Bureau of Mines, since August 25, 1971.
- 3. Mr. Ridgely's Official Personnel File is maintained in Arlington, Virginia, in the Human Resources Division of the National office of the Mine Safety and Health Administration.
- 4. In August 1994, Mr. Ridgely held the position of Management Analyst, GS-9; this was the full performance level for this position. In August 1994, the Management Analyst position held by Mr. Ridgely was reevaluated. This evaluation resulted in a classification change to a higher grade to the position of Printing Specialist, GS-11, due to additional duties and responsibilities. The GS-11 level was the full performance level for the Printing Specialist

position; there was no additional non-competitive promotion potential.. Both positions were located in the Office of the Director of Administration and Management, Division of Management Services, Branch of Records Management.

- 5. On January 31, 1999, Mr. Ridgely was reassigned from a Printing Specialist to a Supply Management Officer, with no change in grade. This was a supervisory position. The journeyman level for this position was GS-11. To receive a promotion to the GS-12 grade level, Mr. Ridgely would have had to apply and compete for the GS-12 position, unless excepted by circumstances as described in 5 CFR 335.103(c)(2) or 5 CFR 335.103 (c)(3) and the DOL Merit Staffing Plan (DPR Chapter 335. Promotion and Internal Placement Plan.). This position also was located in the Office of the Director of Administration and Management, Division of Management Services, Branch of Records Management.
- 6. On July 30, 2000, Mr. Ridgely was competitively selected for the position of Civil Penalty Compliance Specialist, GS-11, in the Office of Assessments. This position was classified with a full performance level of GS-12; thus, it had promotion potential to the GS-12 grade level.

7. On July 24, 2003, Mr. Ridgely was retroactively promoted to GS-12, Step 3, effective June 30, 2002. As a result of this promotion, Mr. Ridgely received back pay from June 30, 2002 to June 29, 2003.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

November 18, 2005

Angelica Hackney

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50. Signature/Authendication and Title of Approving Official

JOSEPH R. KIRKER, JRA 45. Employing Department of Agency
DEPARTMENT OF LABOR 49. Approval Date 28-31-94 48, Personnel Office ID 4155 PERSONNEL OFFICER 47. Agency Code DLMS Editions Prior to 7/81 Are Not Useble After 9/9/ NRN 7540-01-999

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ERTIFICATION FOR PROMOTION AS EXCEPTION TO COMPETITIVE PROCEDURES

SUBJECT: MATERIAL MODIFICATION

(a) FPM 335 References:

- (b) DLS Appx. A to FPM 335, Subch. A2-2 (c) DLS Subch. 1, FPM Chap. 511 (d) DLS Subch. 5, FPM Chap. 511

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- Non-competitive promotion of the incumbent may be effected in accordance with references (a) and (b). The requirements established by references (c) and (d) are met as follows:
 - (X) The employee continues to perform the same basic function of the former position (as reflected in the employee's official position of record) and the former position is administratively absorbed into the new one.
 - This action is not the result of planned management

Personnel Management Specialist

Supervisor

| Qualification requirements must be met prior to promotion |

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